

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Jonathan David McCoy,	)	CIVIL ACTION №: 5:10-cv-132-JFA
	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>Plaintiff's Pretrial Brief</b>
	)	<b>(Sections G and N Pursuant to Pre-Trial</b>
City of Columbia, John K. Passmore,	)	<b>Order)</b>
James Heywood, and Amanda H. Long,	)	
all in their individual capacity,	)	
	)	
Defendants.	)	
	)	
	)	

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G. The names of the witnesses expected to be called and a summary of their anticipated testimony. Whether the exclusion of a witness or witnesses is requested pursuant to Federal Rule of Evidence 615. If no request is made herein, it shall be deemed waived.

**a) Jonathan McCoy**

**Mr. McCoy is the Plaintiff in the instant action. He is expected to testify regarding his knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter. He is also expected to testify regarding his medical treatment and damages.**

**b) John K. Passmore**

**Mr. Passmore is a Defendant in the instant action and was one of the officers who arrested Plaintiff. He is expected to testify regarding his knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter.**

**c) James Heywood**

**Mr. Heywood is a Defendant in the instant action and was one of the officers who arrested Plaintiff. He is expected to testify regarding his knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter.**

**d) Amanda Long**

**Ms. Long is a Defendant in the instant action and was one of the officers who arrested Plaintiff. She is expected to testify regarding her knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter. Ms. Long gave a deposition in this case on February 15, 2011. Upon information and belief, counsel for Defendants is already in possession of this transcript.**

**e) Joel W. Collins Jr., Esq.**

**Mr. Collins is an attorney who assisted the Plaintiff in his underlying criminal case. He may be called to testify as to non-privileged facts and circumstances related to the criminal prosecution of Plaintiff, the reasonableness of attorney's fees incurred in the defense of the**

criminal charges, the effects of the arrest on Plaintiff, and other matters that may be raised by Defendants.

f) Larry McCoy

Mr. McCoy is the father of the Plaintiff. He is expected to testify regarding his knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter as well as his personal observations of Plaintiff after this incident.

g) Anne McCoy

Mrs. McCoy is the mother of the Plaintiff. She is expected to testify regarding her knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter as well as her personal observations of Plaintiff after this incident.

h) Daniel McCoy

Mr. McCoy is the brother of the Plaintiff. He is expected to testify regarding his knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter as well as his personal observations of Plaintiff after this incident.

i) Keith McAlister, Sr.

Mr. McAlister is the father of Kip McAlister. He is expected to testify regarding his contact with police personnel and his knowledge of this incident.

j) **Keith “Kip” McAlister, Jr.**

Mr. McAlister was the other individual arrested and detained with Plaintiff during this incident. He is expected to testify regarding his knowledge of this incident, including the arrest of Plaintiff and subsequent detention.

k) **Clinton Richard Dennis**

Mr. Dennis was the bouncer working at Red Hot Tomatoes Bar who allegedly witnessed the interaction between the Plaintiff and Defendant Officers. Mr. Dennis is expected to testify regarding his knowledge of this incident and his relationship with the Defendant Officers.

l) **Daniel (Danny) Crowe**

Mr. Crowe was the Special Prosecutor engaged by the City of Columbia to prosecute the Plaintiff. Mr. Crowe may be called to testify regarding his knowledge of the facts and circumstances regarded the criminal charge and his reasons for dismissing the criminal charge.

m) **Grant Dennis**

Mr. Dennis is a friend of the Plaintiff. He is expected to testify regarding his knowledge of the facts and circumstances regarding the allegations contained in the pleadings filed in this matter as well as his personal observations of Plaintiff before and after this incident.

n) **The Honorable Dana D. Turner**

Judge Turner, a City of Columbia Municipal Judge, will testify regarding the Plaintiff and Mr. McAlister's bond hearing, and the proper submission of bond paperwork.

o) **William "Bill" Frontz**

Mr. Frontz is a personal investigator engaged by the Defendants to conduct surveillance on the Plaintiff. Mr. Frontz is expected to testify regarding the terms of his engagement and the results of his investigation.

p) **Scott Linaberry**

Mr. Linaberry is the owner of Red Hot Tomatoes and Sharky's in Five Points. Mr. Linaberry is expected to testify regarding the video surveillance footage of the incident.

q) **Melvin L. Tucker**

Mr. Tucker is a retained police procedure expert. He is expected to offer opinions as to the deviations from the standard of care exhibited by the Defendants. He is expected to testify in accordance with his written report and deposition testimony.

r) **Kimberly E. Black**

Kimberly Black was a detention officers working at the Alvin S. Glenn Detention Center during the time period in question. Ms. Black

expected to testify regarding the facts and circumstances surrounding the suicide of Mr. Olin Taylor on October 17, 2009.

s) **Darlene McCoy**

Darlene McCoy was a detention officers working at the Alvin S. Glenn Detention Center during the time period in question. Ms. McCoy expected to testify regarding the facts and circumstances surrounding the suicide of Mr. Olin Taylor on October 17, 2009.

t) **Dr. Kevin Krebs**

Dr. Krebs is one of the Plaintiff's treating mental health professionals. He is expected to testify regarding his treatment of the Plaintiff.

u) **Dr. William Van Horn**

Dr. Van Horn is one of the Plaintiff's treating mental health professionals. He is expected to testify regarding his treatment of the Plaintiff.

v) **Dr. Nick Springs**

Dr. Springs is one of the Plaintiff's treating mental health professionals. He is expected to testify regarding his treatment of the Plaintiff.

w) **Dr. Leonard Goldschmidt**

Dr. Goldschmidt is one of the Plaintiff's treating mental health professionals. He is expected to testify regarding his treatment of the Plaintiff.

x) **Ellen Adams**

**Ms. Adams will testify as to the Plaintiff's employment at Collins & Lacy, PC prior to this incident.**

y) **James Irvin**

**Mr. Irvin was the senior partner at the law firm which employed the Plaintiff following this incident and his subsequent relocation to Myrtle Beach, South Carolina.**

z) **The Plaintiff reserves the right to call any witness identified by the Defendants.**

N. The final list of exhibits intended to be used in the trial of the case with any objections noted. This list shall be served on opposing counsel.

**Following discussions amongst the Parties and consultation with chambers, it has been agreed that the Exhibit List will be submitted seven days prior to trial (March 11, 2013). Objections to Exhibits and Witness Lists will be filed at least one day prior to trial per this Court's Pre-Trial Instructions (ECF No. 223).**

Respectfully submitted,

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March 5, 2013